

AUG 14 2023

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S.D. OF FLA. ET ALIA

UNITED STATES DISTRICT COURT

for the

EASTERN DISTRICT OF MISSOURI

United States of America

v.

NICHOLE CHERI BIRR

SD FL Case: 23-mj-6372-PMH

Case No. 4:23 MJ 6200 PLC

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 2-3, 2023 in the county of City of St. Louis in the
Eastern District of Missouri, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. 2 and 1512	CT. 1 - concealment/destruction of object to obstruct proceedings

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

 Continued on the attached sheet.


Complainant's signature

Jaime Martinez, Special Agent, FBI

Printed name and title

Sworn to, attested to, and affirmed before me via reliable electronic means pursuant to Federal Rules of Criminal Procedure 4.1 and 41.

Date: 08/08/2023Patricia L. Cohen

Judge's signature

City and state: St. Louis, Missouri

Honorable Patricia L. Cohen, U.S. Magistrate Judge

Printed name and title

COMPLAINT AFFIDAVIT

1. I am a Special Agent with the Federal Bureau of Investigation and have been so employed since September 2022. I have received law enforcement training from the FBI academy at Quantico, Virginia. Prior to becoming a Special Agent, I was employed as a Police Officer and Investigator with the Cook County Sheriff's Police Department. I am currently assigned to the FBI St. Louis Division's Violent Crimes Task Force. As a result of my training and experience, I am familiar with techniques and methods of operation used by individuals involved in criminal activity. I have participated in or have knowledge related to investigative techniques such as evidence collection, use of confidential informants, and techniques such as using cellular telephone records to identify subjects or corroborate evidence.

2. This affidavit does not contain all facts known to me relative to this investigation. It contains only the facts necessary to support a determination that there is probable cause to believe that **Nichole BIRR** (DOB: 02/15/1993) has committed violations of Title 18, United States Code, Sections 2 and 1512(c) (concealment or destruction of an object with intent to obstruct a federal investigation). The information contained within this affidavit comes from my personal knowledge and the collective knowledge of members of the investigative team.

3. On August 2, 2023, at approximately 4:01 p.m., St. Louis Metropolitan Police Department (SLMPD) officers received a call for a "Shooting" at 3125 Bratner Place, St. Louis, Missouri, which is within the Eastern District of Missouri. I have consulted with members of the SLMPD who advised me that upon arrival to the scene, victim Tyrone Wilson Jr. was found lying on his side in a fetal position. Wilson suffered numerous gunshot wounds to his chest and head. Wilson told the responding SLMPD officers that a white female and a black male tried to rob him. After he was shot, the white female and black male entered a silver Ford sedan and fled the scene. Wilson described the black male as short, dreadlocks, and armed with a handgun. Wilson stated

he only knew the white female's name as "Brittany." Wilson was later transported to St. Louis University Hospital, where he was pronounced dead at approximately 4:46 p.m.

4. I have been advised by SLMPD that at the scene of Wilson's murder, two handguns, a cellular telephone and a bag of clothes were found, as well as approximately \$10,547 in cash on the victim's person. Investigators learned that Wilson's primary cellular device was not recovered on the scene or with his body.

5. SLMPD Det. Beary Bowles, spoke to a witness who stated she attempted to help the victim. The witness was alerted to a loud commotion coming from outside her apartment. The witness stated she went over to help Wilson and asked if he wanted her to call his mother. Wilson told the witness a white female and a black male robbed him.

6. Det. Bowles spoke to the victim's father, Tyrone Wilson Sr, regarding his son's murder. Tyrone said he called his son at 7:00 a.m. and Wilson said he planned to purchase a vehicle. Tyrone stated that the victim's telephone number was 314-335-0842. Tyrone stated that approximately 14 hours prior to the murder, the victim was on "Facebook Live" and the video depicted what appeared to be a white female driving a Ford Fusion.

7. SLMPD Detective Matthew Boester requested records for the victim's cellular device, 314-335-0842, from T-Mobile on an exigent basis. I have been advised by members of SLMPD that the historical data associated with the victim's cellular device was compared to data License Plate Reader System (LPRS) data, which demonstrated that in the hours leading to the murder, the movements of the victim's cellular device were generally consistent with the movements of a Ford Fusion bearing license plate CZ8C3X. After the victim was shot, his cellular device's movements were generally consistent with LPRS data documenting the travel of the Ford Fusion.

8. According to the Missouri Department of Revenue, **BIRR** was the registered owner of a 2012 Ford Fusion bearing Missouri license plate CZ8C3X. **BIRR** listed her address as 3731 Philips Meadows Florissant, Missouri 63034 on the registration.

9. According to a law enforcement database, **BIRR** listed telephone number (314) 322-3259 as her contact number during a June 2023 arrest in St. Louis County, Missouri. I have reviewed call detail records for the victim's cellular device and learned that he communicated with **BIRR**'s listed telephone number, (314) 322-3259, on August 2, 2023, the day of the murder.

10. On or about August 3, 2023, Det. Bowles obtained a state-level search warrant for historical and prospective data associated with **BIRR**'s last known telephone number, (314) 322-3259. I have consulted with members of the SLMPD investigative team who reviewed the data and learned the following regarding August 2, 2023, the day of the murder:

- a. During the morning hours, **BIRR**'s cellular device was consistent with being present in the Downtown West neighborhood.
- b. At approximately 10:40 a.m., **BIRR**'s cellular device began moving north. Shortly after the device began to move, **BIRR**'s cellular telephone contacted the victim's cellular telephone. **BIRR**'s cellular device traveled to the area of the victim's residence at 720 Valencia Avenue St. Louis, Missouri.
- c. At approximately 11:10 a.m., both the victim and **BIRR**'s cellular devices were consistent with being in the area of the victim's residence. At approximately 11:17 a.m., **BIRR**'s cellular telephone contacted the victim's cellular telephone.
- d. In the following hours leading up to the victim's murder the devices appeared to travel together, including into Illinois and back into Missouri.

- e. Around approximately 4:00 p.m., which was the time of the shooting, both the victim and **BIRR**'s cellular device appeared to travel north. The victim was dying from his injuries when his device was moving in a path consistent with the movements noted of **BIRR**'s device. During the flight away from the scene, the victim's device appeared to be turned off as the location data ceased around 4:10 p.m.
- f. **BIRR**'s device continued into St. Louis County eventually making its way to North St. Louis County.
- g. The victim's cellular device has not been recovered by law enforcement at this time.

11. Investigators learned that LPRS captured **BIRR**'s vehicle frequently in the area of 2200 Locust Street, St. Louis, Missouri. Furthermore, Ameren Corporate Security advised that **BIRR** had an active account at 2200 Locust Street, Apartment 201, St. Louis, Missouri.

12. On August 6, 2023, Det. Boester responded to the area of 2200 Locust Street and found a silver Nissan Altima with Missouri plate CZ8C3X, which is the same plate that was previously on **BIRR**'s Ford Fusion on the day of the murder.



13. I was advised that investigators turned their attention to cameras in the area of 2200 Locust Street, St. Louis, Missouri. A review of available camera footage from the area on the day of the murder, August 2, 2023, yielded the following:

- a. At approximately 10:45 p.m., **BIRR**'s Ford Fusion returned to 2200 Locust Street, where **BIRR** exited the front driver's door of the vehicle and entered the apartment building. It appeared that the vehicle may have been occupied by other occupants when **BIRR** went inside, as light was observed coming from within the interior of the vehicle.
- b. At approximately 10:57 p.m., **BIRR** exited the apartment carrying several objects that appeared to be a large sheet and a bottle of an unknown substance. **BIRR** appeared to hand the objects to another individual inside the vehicle and re-entered the vehicle.



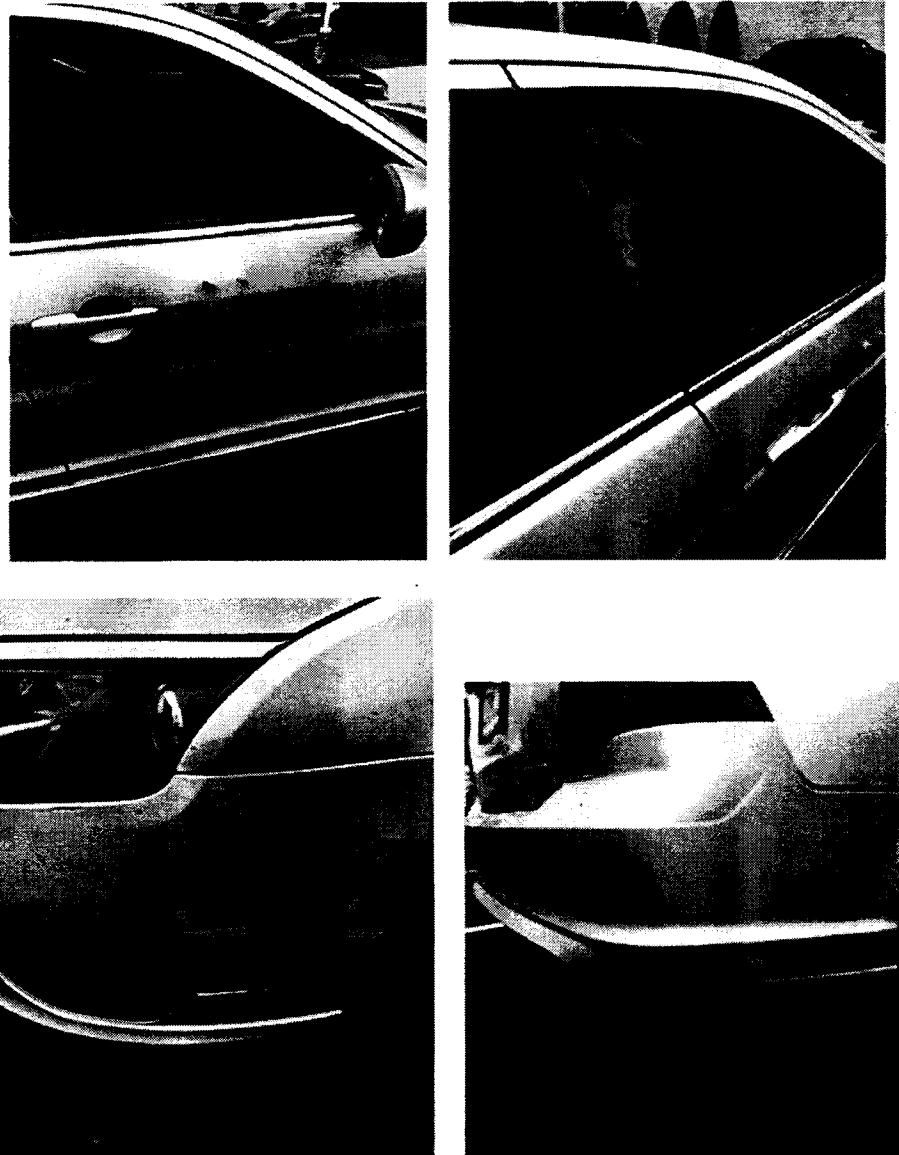
- c. At approximately 11:15 p.m., **BIRR** departed the area in her vehicle.
- d. At approximately 11:40 p.m., **BIRR** returned to the area in her vehicle. Someone inside of the vehicle appeared to attempt to place something over the front passenger side window to protect the vehicle from rain.
- e. On August 3, 2023, at approximately 01:40 a.m., a subject who appeared to be male based upon stature and size, exited the apartment, placed a basket on top of the Ford Fusion and paced near the vehicle, waiting to enter. **BIRR** exited the apartment shortly thereafter; the male entered and placed his basket inside the vehicle. **BIRR** walked to a sewer drain opening near the vehicle, bent down appearing to place an object on the ground and kicked it inside the sewer. **BIRR** returned to the vehicle, entered the driver's door and the vehicle left.



f. Based upon my training and experience, I believe that the video depicts **BIRR** bringing items to the vehicle to clean the vehicle and disposing evidence into the nearby sewer.

14. On August 7, 2023, SLMPD Det. Michael Kegel, responded to Bommarito Nissan located at 14747 Manchester Road Ballwin, Missouri. I consulted with Det. Kegel and learned that on August 5, 2023, **BIRR** traded the 2012 Ford Fusion for a 2021 Nissan Altima. While **BIRR** was negotiating the terms of the trade, the dealership salesman made mention to **BIRR** that the 2012 Ford Fusion had sustained ballistic damage and that it looked like it had been driven through a battlefield. The salesman further quipped that whoever was occupying that vehicle was probably lucky to still be alive. The salesman advised Det. Kegel that **BIRR**'s eyes opened wide as she responded words to the effect, "you have no idea." The salesman additionally was aware that **BIRR** was planning on going to Florida to visit her sister sometime after the vehicle exchange.

15. Det. Kegel obtained consent from the car dealership and seized the vehicle **BIRR** sold to the dealership. I have reviewed photographs of the vehicle and noted that the vehicle sustained obvious ballistic damage, including damage sustained to the front passenger door. Additionally, the front passenger window was missing. The ballistic damage to the front passenger door was consistent with shots being fired from inside the vehicle towards the outside of the vehicle.

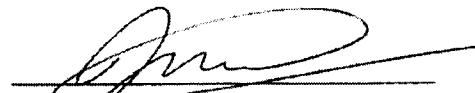


16. During a search of the vehicle on or about August 8, 2023, I was informed that evidence technicians recovered a cartridge casing under the rear driver's side seat cushion that was headstamped with a PMC 9mm marking. Based upon my consultation with other members of the investigation, I believe that this ammunition is manufactured outside the state of Missouri. I was also advised that apparent blood was observed on the front passenger seat and on the lower portion of the interior pillar that separates the front and rear doors.

17. I have reviewed BIRR's criminal history, and I have learned that she is a convicted felon, having been convicted in Columbia County, Florida of possession of cocaine with intent to distribute in January of 2021. BIRR is, therefore, prohibited from possessing firearms or ammunition pursuant to Title 18, United States Code, Section 922(g).

18. Based on the foregoing, myself and members of the investigative team believe there is probable cause to establish that BIRR attempted to conceal an object, namely her Ford Fusion, which contained evidence of Wilson's murder, and destroy items contained in her vehicle related to a matter that BIRR contemplated could be investigated by an agency of the United States, in violation of Title 18, United States Code, Sections 2 and 1512(c).

I state under penalty of perjury that the foregoing is true and correct.



Jaime Martinez
Special Agent
Federal Bureau of Investigation (FBI)

Sworn to, attested to, and affirmed before me via reliable electronic means pursuant to Federal Rules of Criminal Procedure 4.1 and 41 this 8th day of August 2023.

Patricia L. Cohen
PATRICIA L. COHEN
United States Magistrate Judge
Eastern District of Missouri

UNITED STATES DISTRICT COURT

for the

EASTERN DISTRICT OF MISSOURI

United States of America

v.

NICHOLE CHERI BIRR

Case No. 4:23 MJ 6200 PLC

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Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
 (name of person to be arrested) NICHOLE CHERI BIRR

who is accused of an offense or violation based on the following document filed with the court:

Indictment Superseding Indictment Information Superseding Information Complaint
 Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

CT. 1- concealment/destruction of object to obstruct proceedings in violation of Title 18 U.S.C. 1512.
 DETENTION REQUESTED AUSA: ANGIE DANIS

Date: 08/08/2023Patricia L. Cohen*Issuing officer's signature*City and state: St. Louis, MO

Honorable Patricia L. Cohen, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
 at (city and state) _____.

Date: _____

*Arresting officer's signature**Printed name and title*

SUBMITTED AND SIGNED BY RELIABLE ELECTRONIC MEANS